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EXAMINER

CULLER, JILL E

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/594,610
Filing Date: September 28, 2006
Appellant(s): BAERTSCHI ET AL.

Glenn M. Seager
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 3, 2010 appealing from the Office action mailed February 1, 2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:
16-23

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

| | | |
|-----------|--------------------|---------|
| 6,655,280 | Cartellieri et al. | 12-2003 |
| 5778785 | Blackwell | 7-1998 |
| 5,662,043 | Fischer et al. | 9-1997 |
| 4,773,327 | Moetteli | 9-1988 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2854

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,655,280 to Cartellieri et al. in view of U.S. Patent No. 5,778,785 to Blackwell.

With respect to claims 16-17, Cartellieri et al. teaches an ink fountain, 5, for a printing machine, having a base with a blade holder, in which said blade holder comprises a number of adjacent sectors, 11-13, which can be moved by adjusting means in order to vary the distance between said sectors and the circumference of an ink fountain roller, 1, said ink fountain additionally comprising a blade, 3, which is interposed between said sectors and the circumference of the ink fountain roller and which has a continuous edge intended to maintain a defined ink thickness on the ink fountain roller, the ink thickness being adjusted by said continuous edge of the blade and defined by the position of said sectors, which is transmitted to said blade, wherein said blade rests along a plane thereof directly on a surface of said sectors and is held fixedly with respect to said blade holder. See column 3, line 64 - column 4, line 28 and Figs. 1-4.

Cartellieri et al. does not teach that said blade is a metal blade and includes a ceramic deposit to reinforce said continuous edge of the blade.

Blackwell teaches an ink fountain having a doctor blade wherein the blade is a metal blade and includes a ceramic deposit to reinforce said edge of the blade. See column 3, line 60 - column 4, line 6 and column 4, lines 32-37.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the apparatus of Cartellieri et al. to have a metal and ceramic blade, as taught by Blackwell, in order to better maintain the ink thickness and resist wear over time.

With respect to claim 21, Cartellieri et al. teaches the sectors are moved by rotation. See column 5, lines 5-8 and Fig. 5.

Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cartellieri et al. in view of Blackwell, as applied to claims 16-17 and 21 above, and further in view of U.S. Patent No. 5,662,043 to Fischer et al.

With respect to claims 18-19, Cartellieri et al. and Blackwell teach all that is claimed, as in the above rejection of claims 16-17 and 21, except that the blade is screwed into the blade holder, and therefore held on the blade holder by a fastening piece.

Fischer et al. teaches an ink fountain having a blade, 11, screwed into a blade holder, 3, and therefore held on the blade holder by a fastening piece. See column 3, lines 13-18 and Fig. 1.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the apparatus of Cartellieri et al. to attach the blade to the blade holder using screws, as taught by Fischer et al., in order to securely connect the two parts of the apparatus.

With respect to claim 20, Cartellieri et al. and Moetteli teach all that is claimed, as in the above rejection of claims 16-17 and 21, except that the sectors are moved by deformation.

Fischer et al. teaches an ink fountain having an adjacent number of sectors, 11, which are moved by deformation. See column 2, lines 55 - 67 and Fig. 1.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the apparatus of Cartellieri et al. to move the blades by deformation in order to individually control the distance of each blade from the roller.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cartellieri et al. in view of Blackwell, as applied to claims 16-17 and 21 above, and further in view of U.S. Patent No. 4,773,327 to Moetteli.

Cartellieri et al. and Blackwell teach all that is claimed, as in the above rejection of claims 16-17 and 21, except that a deformable plastic is deposited between the sectors to improve the sealing between them.

Moetteli teaches an ink fountain for a printing machine having a blade, 14, comprising a number of adjacent sectors, 26, which can be moved by adjusting means, 22, in order to vary the distance between said sectors and the circumference of an ink fountain roller, 12, wherein a deformable plastic, 40, is deposited between the sectors to improve the sealing between them. See column 3, lines 26-60, column 4, lines 11-36, column 6, lines 15-17 and Figs. 1-3.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the apparatus of Cartellieri et al. to include the deformable plastic seals, as taught by Moetteli, in order to block a flow of ink between the metering segments.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cartellieri et al. in view of Blackwell and Moetteli.

With respect to claim 23, Cartellieri et al. teaches an ink fountain, 5, for a printing machine, having a base with a blade holder, in which said blade holder comprises a number of adjacent sectors, 11-13, which can be moved by adjusting means in order to vary the distance between said sectors and the circumference of an ink fountain roller, 1, said ink fountain additionally comprising a blade, 3, which is interposed between said sectors and the circumference of the ink fountain roller and which has a continuous edge intended to maintain a defined ink thickness on the ink fountain roller, the ink thickness being adjusted by said continuous edge of the blade and defined by the position of said sectors, which is transmitted to said blade, wherein said blade rests along a plane thereof directly on a surface of said sectors and is held fixedly with respect to said blade holder. See column 3, line 64 - column 4, line 28 and Figs. 1-4.

Cartellieri et al. does not teach that said blade includes a ceramic deposit to reinforce said continuous edge of the blade or that a deformable plastic is deposited between the sectors to improve the sealing between them.

Blackwell teaches an ink fountain having a doctor blade wherein the blade includes a ceramic deposit to reinforce said edge of the blade. See column 3, line 60 - column 4, line 6 and column 4, lines 32-37.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the apparatus of Cartellieri et al. to have a ceramic deposit on the blade, as taught by Blackwell, in order to reinforce the blade against wear.

Moetteli teaches an ink fountain for a printing machine having a blade, 14, comprising a number of adjacent sectors, 26, which can be moved by adjusting means, 22, in order to vary the distance between said sectors and the circumference of an ink fountain roller, 12, wherein a deformable plastic, 40, is deposited between the sectors to improve the sealing between them. See column 3, lines 26-60, column 4, lines 11-36, column 6, lines 15-17 and Figs. 1-3.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the apparatus of Cartellieri et al. to include the deformable plastic seals, as taught by Moetteli, in order to block a flow of ink between the metering segments.

(10) Response to Argument

In response to appellant's argument that the blade, 3, of Cartellieri is not interposed between sectors 11-13 and screen roller, 1, appellant's interpretation appears to be counter to the teachings of the reference. Column 4, lines 8-14 of Cartellieri state that "The metering elements 11, 12 and 13 are arranged eccentrically

Art Unit: 2854

with respect to the ink chamber 5, close to or on a working doctor blade, 3. In particular, the metering elements 11, 12 and 13 are arranged very close to a wiping edge of the working doctor blade, which bears on the screen roller 1, and projects from the inside of the working doctor blade 3". That is, as clearly shown in Figures 1, 5 and 6 which have not been reproduced as a part of appellant's argument, the metering elements bear on the doctor blade, 3, and the blade bears on the screen roller, 1. Therefore, it is considered that the blade is interposed between the sectors and the screen roller, as seen in appellant's Figs. 3-4, where the sectors, 22, bear on the doctor blade, 21, and the doctor blade then protrudes further than the edges of the sectors in order to intersect the non-illustrated ink fountain roller.

In response to appellant's argument that Blackwell does not teach a number of adjacent, adjustable sectors, this teaching has not been relied upon for the rejection. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Blackwell is relied upon merely for the teaching of a ceramic deposit to reinforce the surface of a doctor blade, not for the structure of the apparatus itself.

In response to appellant's argument that Blackwell only provides the ceramic coating directly on top of individual blades or sectors, rather than to reinforce a continuous edge of a blade adjacent to the sectors, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the

Art Unit: 2854

structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art.

See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, the teachings of Blackwell show that a ceramic deposit is useful to reinforce the edge of a doctor blade in order to improve the performance and durability of the blade. Therefore, one having ordinary skill in the art would be drawn to apply this teaching to the structure of Cartellieri, and in particular to the doctor blade of Cartellieri which bears on the moving ink fountain roller, in order to recognize these advantages.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Jill E. Culler/

Primary Examiner, Art Unit 2854

Conferees:

/Judy Nguyen/

Supervisory Patent Examiner, Art Unit 2854

Jose' G Dees

/Jose' G. Dees/ T-QAS TC 2800